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### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 17-24 are pending in the application. Claims 17-24 have been rejected.

### **Double Patenting Rejections**

In the Office Action, the Examiner rejected claims 17-24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over US Patent No. 6474592.

Applicants hereby attach a terminal disclaimer upon indication by the Examiner of allowable claims.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 112 Rejections**

In the Office Action, the Examiner rejected claims 17-24 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants in their previous office Action response of 08 December 2004 provided arguments showing that support for the relevant terms in claims 17-24 is to be found in the specification. Applicants have added part of their previous comments below:

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With regards to the Examiner comment about the meaning of term "impact assessment unit", Applicants respectfully assert that the term "impact assessment unit" is described in the specification and that its functionality is explained. For example, as described in paragraph 1, "The present invention relates to a unit and method for munition impact assessment. More particularly, the present invention relates to an impact assessment unit, which is added to an electronic system of a platform that monitors smart munitions."

Further, as described in paragraph 46, "Reference is now made to FIG. 1B which is a perspective illustration of an impact assessment unit 100 added to the existing platform electronic system 200 of a platform 27 for mounting a smart munition in accordance with some embodiments of the present invention. It will be appreciated that impact assessment unit 100 may be added to an existing electronic system of a monitoring unit which may monitor the battlefield".

With regards to the Examiner comment about how the term "impact assessment unit" works, Applicants respectfully assert that the operating of the "impact assessment unit" is described in the specification and that its functionality is explained. For example, as described in paragraph 45, it is stated that in one embodiment of the invention "[p]erforming the processing on board [of the smart munition] overcomes the space limitations imposed on the platform or on the monitoring unit, thus enabling, by utilizing a platform or a monitoring unit mounted receiver such as the electronic warfare system inherent to the platform or to the monitoring unit...". Also, on page, paragraph [056], it is stated that "...by utilizing electronic warfare communication no modifications or addition of hardware to the platform or the monitoring unit are necessary, greatly simplifying deployment of munition..." (emphasis added) and that "...since the electronic warfare system inherent to the platform electronic system 200 may be utilized as a receiver, minimal operator training and handling is required" (emphasis added). Therefore, Applicants respectfully assert that the term "impact assessment unit" is proper under 35 U.S.C. §112, and request that the rejection of claims 17-24 be withdrawn.

Relating the Examiner's comments about the inherence of "the data processor 140, resource allocation unit 120 and controller 130" in box 100, Applicants note that one or more of these elements may perform specific functions that are designed to aid the "platform

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electronic system 200", and are no therefore inherent in all computing units. For example, as described in paragraphs 47 and 48, "the impact assessment unit 100 may include ... a resource allocation unit 120 to negotiate access to resources associated with the platform electronic system 200, and a controller 130 to regulate communication with a smart munition through a receiver associated with the platform electronics system 200. [0048] According to an embodiment of the present invention, the impact assessment unit 100 may further include a data processor unit 140 for receiving and processing information from the platform from which the smart munition was deployed, or of an operator of a monitoring unit from which the smart munition is being monitored. In an embodiment of the present invention, the data processor unit 140 may be an external unit to the impact assessment unit 100."

Applicants disagree with the statement that "[r]e claim 22, it is not understood how the negotiation to provide access to a transmitted to transmit signal works." Applicants respectfully assert that the negotiation is described in several places in the detailed description. For example, it is described in paragraph 72 that negotiations may be implemented to: "access a human interface unit. The negotiation may be for example to access an audio system or to access a visual display system. In an embodiment of the present invention, the negotiation may be to access a transmitter to transmit a signal generated by the impact assessment unit in a manner receivable by a receiving device of the smart munition. The negotiation may be to access to a receiver to receive a signal generated by the smart munition. In an embodiment of the present invention, the negotiation may be to access resources associated with the platform electronic system through a resource allocation controller on the platform." Further, on page 17, at the end of paragraph [059] a method of implementing a negotiation is described, as follows: "[d]igital data may be transmitted, for example, by QPSK modulation". Therefore, Applicants respectfully assert that claim 22 is proper under 35 U.S.C. § 112, and request that the rejection of claim 22 be withdrawn.

The Examiner rejected claims 17-24 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection in view of the remarks that follow. For example, as is described in paragraphs 64 and 65, "when three munitions 10 are co-launched from an airplane or airplanes a suitable transmission time window, a number of time windows in a time period and a number of transmissions in each

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time window, may be determined such that signals from munitions 10 are individually received by platform electronic system 200 at least once during this time period. [0065] Thus, for three munitions, the probability of successful transmissions non-overlapping) over a time period may be represented as follows:  $P = \frac{n \times (n-1) \times \sup{2}}{n \times \sup{3}}$ , wherein  $n$  = the number of time windows over a time period,  $n \times \sup{3}$  = the number of possible co-transmission for three munitions 10 in a time window, and  $n \times (n-1) \times \sup{2}$  the number of possible non-overlapping transmissions in a single time window."

Relating the Examiner's comments about the inherency of the antenna and the resources in relation to the "platform electronic system", Applicants note that in paragraph 50 it states: "According to an embodiment of the present invention the signal transmitted by transmitter 28 is an electronic warfare signal which is receivable by a radiofrequency receiver 210 of the platform electronic system 200. The receiver 210 may be inherent to an electronic warfare system of the platform electronic system 200. The electronic warfare may be an example of a communication unit 220 which may exist on the platform electronic system 200." Applicants note that in general platform electric systems are equipped with antennas to transmit and/or receive signals, thereby making antennas "inherent" to "platform electronic system[s]".

Applicants note that "resources associated with the platform electronic system" in claim 24 are described in various places in the specification. For example, in paragraph 10 it describes that "The impact assessment unit may include ... a resource allocation unit to negotiate access to resources associated with the platform electronic system". According to paragraph 11, "the resource allocation unit may negotiate access to a human interface unit, and according to paragraph 12, "the resource allocation unit may negotiate access to the external processing unit". Applicants note that claim 24 does not currently state that: "resources inherent to the platform", but rather states "resources associated with the platform electronic system".

Applicants respectfully assert that these remarks and amendments render claims 17-24 proper under 35 U.S.C. § 112 and request that the rejections be withdrawn.

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**35 U.S.C. § 102 Rejections**

In the Office Action, the Examiner rejected claims 17-24 under 35 U.S.C. § 102(b), as being anticipated by Shnaps (US 6345784).

Applicants respectfully disagree. Shnaps is the same inventor in both the cited art and the present application. Applicants have attached hereby an executed terminal disclaimer. Claims 17-24 should now be allowable. Applicants request allowance of all pending claims.

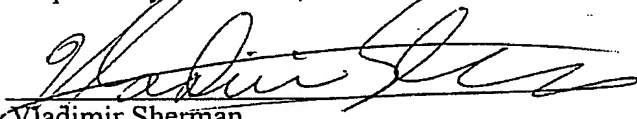
Applicants respectfully request reconsideration and withdrawal of the rejections of claims 17-24.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3400.

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Dated: May 24, 2005  
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